## EXHIBIT "A"

## SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT:	HON. C. Edmead		PART 35	
		Justice		
		X	INDEX NO.	154982/2020
	D FIRE OFFICERS ASSOCIATION, D FIREFIGHTERS ASSOCIATION OF		MOTION DATE	07/15/2020
	NEW YORK, CORRECTION OFFICERS' NT ASSOCIATION OF THE CITY OF NEV	V	MOTION SEQ. NO.	001
YORK, INC. THE CITY O BENEVOLE BENEVOLE	,POLICE BENEVOLENT ASSOCIATION ( OF NEW YORK, INC.,SERGEANTS NT ASSOCIATION, LIEUTENANTS NT ASSOCIATION, CAPTAINS' ENDOWN ON, DETECTIVES' ENDOWMENT	OF		
	Plaintiff,			
	- V -			
OF THE CIT DANIEL A. N COMMISSIC CITY OF NE OFFICIAL C NEW YORK DERMOT F. COMMISSIC DEPARTME OF NEW YO CORRECTIC DEPARTME CAPACITY	ASIO, IN HIS OFFICIAL CAPACITY AS MAY OF NEW YORK, THE CITY OF NEW YORGO, IN HIS OFFICIAL CAPACITY AS TONER OF THE FIRE DEPARTMENT OF TOWN YORK, CYNTHIA BRANN, IN HER APACITY AS THE COMMISSIONER OF THE CITY DEPARTMENT OF CORRECTION, SHEA, IN HIS OFFICIAL CAPACITY AS TONER OF THE NEW YORK CITY POLICE ON, THE FIRE DEPARTMENT OF THE CORK, THE NEW YORK CITY DEPARTMENT ON, THE NEW YORK CITY POLICE ON, THE NEW YORK CITY POLICE ONT, FREDERICK DAVIE, IN HIS OFFICIAL AS THE CHAIR OF THE CIVILIAN COMPLAINT REVIEW OARD, THE CIVILIAN COMPLAINT REVIEW	ORK, THE	ORDER	
	Defendant.			
		X		
The applicati	on of Petitioners/Plaintiffs Uniformed	Fire Offi	cers Association; Ur	niformed
Firefighters A	Association of Greater New York; Corn	rection O	fficers' Benevolent A	Association of
the City of N	few York, Inc.; Police Benevolent Asso	ociation o	of the City of New Yo	ork, Inc.;

 $pursuant to CPLR \S 6301, on \ behalf \ of \ Petitioners/Plaintiffs ("Petitioners") \ Uniformed \ Fire \ Officers$ 

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Sergeants Benevolent Association; Lieutenants Benevolent 75, Association; Captains

Endowment Association; and Detectives' Endowment Association for an Order

Association, Uniformed Firefighters Association of Greater New York, Correction Officers
Benevolent Association of the City of New York, Police Benevolent Association of the City of
New York, Inc., Sergeants Benevolent Association, Lieutenant Benevolent Association, Captains
Endowment Association, and Detectives' Endowment Association, preliminarily restraining
Respondents, and those acting in concert with them, from publicly disclosing any records
concerning disciplinary matters against individual New York City police officers, firefighters,
and correction officers that are non-final, unsubstantiated, unfounded, exonerated or resulted in a
finding of not guilty ("Unsubstantiated and Non-Final Allegations"), or that regard settlement
agreements entered into prior to June 12, 2020, is decided in accordance with the "So Ordered"
transcript (Laura Ludovico, Sr.Ct.Rptr.)

During the court's first oral argument on this application, Counsel for Defendants/Respondents advised the court that this matter was being **Removed** from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York. Initially counsel for Defendants/Respondents consented to this court issuing the following which was "So Ordered" by the Court:

It is hereby

**ORDERED** that pending the issue of an Interim Stay before the United States District Court for the Southern District of New York, the Defendants/Respondents, and those acting in concert with them, are *Stayed* from publicly disclosing any records concerning Unsubstantiated and Non-Final Allegations or settlement agreements as defined in the instant Petition, entered into prior to June 12, 2020, relating to the repeal of N.Y.C. Civ. Rights Law §50-a(1).

Thereafter, the court received an e-mail from counsel for Defendants/Respondents

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advising as follows:

Since the case has been removed it is our position, respectfully, that it is not appropriate for the Court to issue an order, including a stay pending the Federal Court hearing the TRO.

Per 28 USC 1446(d):

(d)Notice to Adverse Parties and State Court. —

Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.

A second Skype conference was held (Laura Ludovico, Sr. Ct.Rptr.) to address the issue of this court's authority to issue a Stay. Firstly, the above e-mail from counsel for Defendants/Respondents was not copied to counsel for Plaintiffs/Petitioners. Secondly uploading the Removal notice to NYCEF apparently does not constitute filing of a copy of the notice with the clerk of the court. Thirdly, counsel for Plaintiffs/Petitioners were not provided a written notice of removal. And finally, and most importantly, the court's stay Order was in effect. For the foregoing reasons, the following Order of this Court is in full force and effect. It is hereby

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<sup>&</sup>lt;sup>1</sup>. From the Protocol on Courthouse and County Clerk Procedures for Electronically Filed Cases -Subsection J Paragraph 1-" If an order in a NYSCEF case directs that the County Clerk take action, a copy of the order must be served on the County Clerk (CPLR § 8019 (c)), as the order will usually expressly provide. This shall be done by filing with NYSCEF a completed Notice to the County Clerk - CPLR § 8019 (c) (NYSCEF Form EF-22, available on the NYSCEF site)."

**ORDERED** that pending the issue of an Interim Stay before the United States District Court for the Southern District of New York, the Defendants/Respondents, and those acting in concert with them, are *Stayed* from publicly disclosing any records concerning Unsubstantiated and Non-Final Allegations or settlement agreements as defined in the instant Petition, entered into prior to June 12, 2020, relating to the repeal of N.Y.C. Civ .Rights Law §50-a(1).

7/15/2020 DATE	-			HON. CAROL	R. EDMEAD J.S.C.
CHECK ONE:	Х	CASE DISPOSED		NON-FINAL DISPOSITION	
		GRANTED DENIED	х	GRANTED IN PART	OTHER
APPLICATION:		SETTLE ORDER		SUBMIT ORDER	
CHECK IF APPROPRIATE:		INCLUDES TRANSFER/REASSIGN		FIDUCIARY APPOINTMENT	REFERENCE

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